

Message Text

UNCLASSIFIED

PAGE 01 STATE 239707

61

ORIGIN L-03

INFO OCT-01 AF-06 ISO-00 OES-05 IO-10 AID-05 CEQ-01

CIAE-00 OFA-01 COME-00 DODE-00 EB-07 EPA-04 INR-07

NSF-02 NSC-05 NSAE-00 PM-04 USIA-15 SS-15 SP-02

INT-05 FEA-01 DOTE-00 FMC-02 CG-00 DLOS-04 /105 R

DRAFTED BY L/OES:DACOLSON:MJR

APPROVED BY L/OES:BHOXMAN

;F - MR. ANDEREGG (PHONE)

AF - MR. ANDEREGG (PHONE)

----- 034745

R 081520Z OCT 75

FM SECSTATE WASHDC

TO AMEMBASSY DAKAR

UNCLAS STATE 239707

E.O. 11652: N/A

TAGS: EWWT

SUBJECT: INTERNATIONAL CIVIL LIABILITY CONVENTION

REF: STATE 191436; STATE 231330; DAKAR 5575

1. ON JUNE 19, THE INTERNATIONAL CONVENTION FOR CIVIL LIABILITY FOR OIL POLLUTION DAMAGE ENTERED INTO FORCE. SENEGAL IS A PARTY TO THE CONVENTION. THE U.S. HAS SIGNED THE CONVENTION, BUT IT HAS NOT YET BEEN ACTED ON BY THE SENATE. IN TRANSMISSION OF RECENT DOMESTIC LEGISLATION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, PRESIDENT FORD URGED EXPEDITIOUS SENATE ACTION ON THE CONVENTION, BUT U.S. RATIFICATION AND IMPLEMENTATION NOT LIKELY UNTIL NEXT YEAR AT EARLIEST.

2. UNDER ARTICLE VII(II) OF THE CONVENTION, CONTRACTING
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 239707

PARTIES ARE REQUIRED TO ASSURE UNDER THEIR NATIONAL LEGIS-

LATION THAT INSURANCE OR OTHER SECURITY IS IN FORCE WITH RESPECT TO ANY SHIP, WHEREVER REGISTERED, ENTERING OR LEAVING A PORT IN ITS TERRITORY, IF THE SHIP ACTUALLY CARRIES MORE THAN 2,000 TONS OF OIL IN BULK AS CARGO. THE AMOUNTS OF SUCH SECURITY OR INSURANCE ARE ESTABLISHED BY THE CONVENTION. CONTRACTING STATES ARE REQUIRED TO RECOGNIZE CERTIFICATIONS GIVEN BY OTHER CONTRACTING STATES TO THEIR OWN SHIPS, BUT, AS NOTED, U.S. IS NOT YET A PARTY TO THE CONVENTION.

3. UNDER U.S. LAW, FEDERAL MARITIME COMMISSION ISSUES CERTIFICATES OF FINANCIAL RESPONSIBILITY TO U.S. FLAG VESSELS. THESE CERTIFICATES ARE ISSUED PURSUANT TO SECTION 311 OF THE FEDERAL WATER POLLUTION CONTROL ACT, WHICH REQUIRES VESSELS TO MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY FOR LIABILITY TO THE UNITED STATES FOR CLEAN-UP COSTS RESULTING FROM OIL DISCHARGES. THE POTENTIAL LIABILITY UNDER SECTION 311 IS LIMITED TO LIABILITY FOR CLEAN-UP COSTS AND NOT FOR DAMAGES TO PERSONS OR PROPERTY WHICH MAY RESULT FROM A DISCHARGE OF OIL. ACCORDINGLY, PROOF OF FINANCIAL RESPONSIBILITY FOR PURPOSES OF SECTION 311 MAY NOT BE REGARDED BY CONTRACTING STATES AS ADEQUATE TO MEET REQUIREMENTS OF ARTICLE VII(II) OF CONVENTION.

4. POST IS REQUESTED TO CONTACT APPROPRIATE HOST COUNTRY OFFICIALS TO DETERMINE REGULATIONS AND PROCEDURES FOR PORT CERTIFICATION UNDER SECTION VII(II) OF LIABILITY CONVENTION IN PARTICULAR, POST IS REQUESTED TO DETERMINE (1) WHETHER HOST COUNTRY WILL REGARD U.S. CERTIFICATES OF FINANCIAL RESPONSIBILITY AS SUFFICIENT TO MEET THE REQUIREMENTS OF THE CONVENTION; (2) WHETHER HOST COUNTRY WILL ACCEPT CERTIFICATIONS MADE BY OTHER CONTRACTING STATES AS ADEQUATE FOR PORT ENTRY, AND, IF SO, FROM WHICH CONTRACTING STATES; AND (3) PROCEDURES WHICH SHOULD BE FOLLOWED BY U.S. SHIPS TO COMPLY WITH CONVENTION REQUIREMENTS.

5. FYI: PRACTICES OF CONTRACTING STATES REGARDING RECOGNITION OF CERTIFICATES ISSUED BY OTHER CONTRACTING STATES SEEM TO VARY CONSIDERABLY. SOME PARTIES MAY RECOGNIZE CERTIFICATIONS GIVEN BY OTHER CONTRACTING STATES TO SHIPS

UNCLASSIFIED

PAGE 03 STATE 239707

OF NON-PARTIES, WHILE OTHERS REQUIRE THEIR OWN CERTIFICATION. END FYI. KISSINGER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PROTECTIVE SECURITY, POLLUTION CONTROL, INTERNATIONAL ORGANIZATIONS, LIABILITIES
Control Number: n/a
Copy: SINGLE
Draft Date: 08 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE239707
Document Source: CORE
Document Unique ID: 00
Drafter: DACOLSON:MJR
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750350-0485
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751073/aaaacnnh.tel
Line Count: 109
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 STATE 191436, 75 STATE 231330, 75 DAKAR 5575
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 16 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 SEP 2003 by MaustMC>; APPROVED <20 FEB 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INTERNATIONAL CIVIL LIABILITY CONVENTION
TAGS: EWWT, SENV, (FORD, GERALD R)
To: DAKAR
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006